



# **U.S. HOUSE OF REPRESENTATIVES**

## **EMPLOYEE HANDBOOK**

### **FOR THE OFFICE OF**

Congressman Gregorio Kilili Camacho Sablan  
Northern Mariana Islands – At Large



**ACKNOWLEDGMENT OF RECEIPT  
OF EMPLOYEE HANDBOOK FOR THE OFFICE OF  
CONGRESSMAN GREGORIO KILILI CAMACHO SABLÁN**

I acknowledge that I have received a copy of the Employee Handbook for the Office of Congressman Gregorio Kilili Camacho Sablan (hereinafter “the Office”) and that I will read and understand the contents of the handbook. I understand the handbook is intended to provide me with general information about policies and procedures of the Office that govern my employment.

I acknowledge and understand that employment with the Office is at-will and that all employees serve at the pleasure of the Office. Accordingly, I have the right to resign from my position, at any time, and the Office can terminate my employment relationship, with or without cause, or with or without notice, at any time, except, of course, the Office cannot terminate my employment for discriminatory reasons in violation of applicable federal law. I understand that by signing this Acknowledgment I do not waive my rights under applicable federal law.

I also understand and acknowledge that the Office may unilaterally change or revise, with or without notice, its policies and practices, and such changes may affect the benefits provided therein. Moreover, I understand and acknowledge that the contents of employee handbooks, personnel manuals, benefit plans, policy statements, and the like as they may exist from time-to-time, or other employment practices, shall not serve to create an actual or implied contract of employment, or to confer any right to remain an employee of the Office, or otherwise to change in any respect the employment-at-will relationship between the Office and myself.

I acknowledge that no one in the Office is authorized to make exception to this understanding, except the Office, who must do so in writing.

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(Signature of Employee)

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(Date)

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(Member or Designee)



## PURPOSE OF THE HANDBOOK

This handbook has been prepared to summarize the personnel policies and procedures that are applicable to employees of the Office of Congressman Gregorio Kilili Camacho Sablan (hereinafter “the Office”). You should read the information in this handbook promptly and thoroughly so that you have an understanding of the policies and procedures of the Office. This handbook, however, cannot anticipate every situation or answer every question about your employment; it can provide only an overview of policies and procedures. It is not an express or implied employment contract or legal document, nor should its contents be considered a strict interpretation of the policies, procedures or benefits that are described in this handbook.

This handbook is effective as of **January 3, 2013** and it supersedes any and all prior employee handbooks and personnel policies.

In order to meet changing circumstances, the Office reserves the right to change, revise, or rescind any of the policies, procedures or benefits described in this handbook (other than the at-will nature of the employment relationship) whenever, in its sole discretion, the Office deems it appropriate to do so. Policies and procedures are subject to interpretation by the Office, and exceptions may be made in individual cases at the discretion of Congressman Sablan or his designee.

In addition to the policies contained in this handbook, every employee of the Office has a duty to comply with all applicable Federal laws, Rules of the House of Representatives, the mandates of the *House Ethics Manual*, and Regulations of the Committee on House Administration (including those contained in the *Members’ or Committees’ Congressional Handbook*).

All new employees are encouraged obtain and read the following publications upon commencement of employment with the Office, and all existing employees are encouraged to re-review these publications at least once per year. (This requirement is in addition to any mandated Ethics training that employees are required to attend pursuant to House Rules.)

- Copies of the House’s Rules can be found on the website of the on the House Committee on Rules <http://www.rules.house.gov/singlepages.aspx?NewsID=10&RSBD=21>
- Copies of the Congressional handbooks can be found on the website of the Committee on House Administration at <http://cha.house.gov/member-services/handbooks>
- Copies of the House Ethics Manual can be found on the website of the Committee on Standards of Official Conduct at [http://ethics.house.gov/Media/PDF/2008\\_House\\_Ethics\\_Manual.pdf](http://ethics.house.gov/Media/PDF/2008_House_Ethics_Manual.pdf).

**NOTE: References to the Chief of Staff in the DC Office also means the District Director in the District Office. References to the Office Manager/Scheduler also refers to the Office Manager/Scheduler in the Saipan District Office.**

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## **I. POLICIES AND PROCEDURES**

### **Management Rights**

The Office strives to serve the Member's constituents with professionalism, quality, and dedication. To achieve its goals, the Office, as an employer, reserves its rights to, at any time without prior notice, establish, administer and change wages, benefits, practices and procedures; direct and discipline the staff; make decisions regarding recruitment, hiring, training, assignment, transfer, promotion, demotion, layoff, recall and retirement of employees; establish the services to be rendered, and who shall perform the work and at what rate; take action to maintain the security of employees, facilities and property, including without limitation, inspections, searches and investigations in accordance with applicable laws; establish starting and quitting times, the number of hours, shifts and overtime to be worked; discontinue or close down any part of or all of the Office; expand, reduce, alter or combine any one or more of the Office operations; and take whatever other action is necessary in the Office's judgment to operate efficiently and effectively.

The failure to exercise these or other management rights shall not waive the Office's right to do so at any time in its discretion, or preclude the Office from exercising any management prerogative in ways other than those described above.

## Statement of Equal Employment Opportunity Policy

The Office is an equal employment opportunity employer and, consistent with the Congressional Accountability Act ("CAA") and House Rule XXXIII, does not discriminate on the basis of an individual's race, color, religion, sex, national origin, disability, military status, age, marital status, parental status, or any other factor or basis prohibited by applicable federal law. This means that these factors will not be the basis for any hiring, discharge, promotion, pay, benefits, reassignment decision or action, or any other personnel or job action affecting the terms, conditions, and privileges of employment. **Consistent with the CAA, the Office may, however, consider party affiliation, domicile and political compatibility in making employment decisions.**

## Personnel Records

It is the policy of the Office to keep personnel-related information maintained in confidence to the greatest extent practicable. Information from official employee files will generally be released only as follows:

- to the employee at his or her request
- to third parties, where required by judicial orders, subpoenas and law enforcement requests to management with a need to know

Each current employee may review his or her own file upon request and may request copies of any or all information contained therein.

It is important that this Office and the House's Office of Payroll and Benefits be informed on a timely basis of any change with respect to the following:

- Name
- Address
- Home telephone number
- Employment Eligibility

It is **your** responsibility to inform the House's Office of Payroll and Benefits on a timely basis of any change with respect to the following:

- Beneficiary designation (for insurance and other benefit plans)
- Number of dependents (for income tax withholding and insurance status/eligibility purposes)
- Marital status (for income tax withholding and insurance status/eligibility purposes)
- Any change in the number of exemptions you intend to claim on your taxes.

In addition, it is important that the Office maintains an emergency contact for each employee (in the event of injury or illness) and that the employee promptly notify the Office of any changes with respect to the emergency contact.

Detailed information regarding the Office of Payroll and Benefits, as well as links to forms and procedures for making changes to the type of information discussed above, is also available at <https://housenet.house.gov>, under the "Personnel" heading.

## Nepotism

Members and employees are prohibited by law from appointing, promoting, or recommending for appointment or promotion, their relatives, except as discussed below. Individuals with the following relationship to a Member may not be employed by the Member:

Wife	Husband	Son	Daughter
Father	Mother	Brother	Sister
Half-brother	Half-sister	Stepbrother	Stepsister
Stepfather	Stepmother	Step-son	Step-daughter
Brother-in-law	Sister in law	Aunt	Uncle
Niece	Nephew	Father-in-law	Mother-in-law
First cousin	Mother	Father	

If, however, a House employee becomes related to the employing Member (by marriage), the employee may remain on the Member's personal or committee staff. Similarly, if a Member becomes the employing authority of a relative who was hired by someone else (*e.g.*, the Member ascends to the chairmanship of a Committee or subcommittee for which the relative is already working), the relative may remain on the payroll. However, the Member may not then give that individual further promotions or raises, other than cost-of-living or other across the board adjustments. The statute does not prohibit a Member from employing two individuals who are related to each other, but not to the Member. Contact the Committee on Standards of Official Conduct for further information at ext. 5-7103.

Every employee must certify relationship to any Member of Congress on a certificate of relationship form, available from the Office of Payroll and Benefits in B215 Longworth HOB or at <http://housenet.house.gov>. If, at any time, the relationship of an employee to a Member of Congress changes, the employee must file an amended certificate of relationship with the employing office.

## **Payroll**

Pay is disbursed on the last business day of each month *via* direct deposit to the employee's chosen financial institution. Questions regarding direct deposit and possible alternatives should be directed to the Office of Payroll & Benefits at 5-1435.

## **Attendance**

Attendance and punctuality are essential to the efficient operation of the Office. However, the Office recognizes that there are situations beyond an employee's control that may occasionally create absenteeism or tardiness, but the Office cannot tolerate frequent tardiness or unauthorized absences, because such actions disrupt schedules and create a burden on fellow employees and the Office. Moreover, a Member may not retain an employee on the payroll who does not perform official duties commensurate with the compensation received. (*See House Rule XXIII(8)(a)*).

Therefore, if you are going to be absent from or tardy for work for any reason, you must notify the Office Manager/Scheduler as early as possible before the beginning of the workday. If you are the Office Manager/Scheduler, you must notify the Chief of Staff or the Member about your absence or tardiness. Tardiness of more than one hour requires submission of a leave form for the number of hours you are tardy.

If you must leave work early, because of illness or other unavoidable reasons, you are responsible for personally notifying the Chief of Staff and obtaining approval before departure. Appropriate leave form shall be submitted for approval. (In an emergency situation, however, an employee should not delay seeking medical attention, but should attempt to ensure that the Office is notified as soon as practicable of the circumstances of an early departure.)

Absenteeism or tardiness that is considered to be excessive, or failure to follow reporting procedures, may subject an employee to appropriate disciplinary action up to and including termination.

## **Job Abandonment**

If you anticipate an absence from work, you should notify the Office as far in advance as possible, so that work schedules and assignments can be adjusted accordingly. If an employee is absent from work for five consecutive work days without notifying or obtaining approval from the Member of the Chief of Staff, the Office will presume that the employee has abandoned his/her position and his or her employment will be terminated, except under extenuating circumstances.

## Office Hours

Regular hours of operation are from 9:00 a.m. – 6:00 p.m., Monday through Friday. Telephones must be fully staffed during Office hours. **The Office reserves the right to establish additional or modified hours of operation depending on the schedule of the House.**

## Employee Classification

Employees are classified into one of the following two categories:

1. Employees who are *Exempt* from the overtime requirements of the Fair Labor Standards Act, as incorporated by the Congressional Accountability Act, are those who are not required to be paid overtime for all hours worked in excess of 40 hours in one workweek. Exempt employees are expected to work whatever hours are necessary to meet the job responsibilities and needs of the Office.
2. Employees who are *Non-Exempt* from the overtime requirements of the Fair Labor Standards Act, as incorporated by the Congressional Accountability Act, are those who are required to be compensated for all hours worked in excess of 40 hours per workweek.

The employee classification determination is based on the actual job duties and responsibilities of the employee. *See the section below entitled Overtime and Time-off Plan for Non-Exempt Employees*, for a detailed discussion of overtime pay and work requirements for non-exempt employees.

## Lunch Period

Lunch periods will be no longer than one hour without prior approval from Chief of Staff or the Member. Exceptions to this policy will be granted consistent with the Office's leave policy, as discussed later in this handbook, or in cases where a staff member is requested to attend a function. **Lunch periods for employees are rotated to ensure that there is always someone at the front office to cover the telephones at all times.**

## Snow Days and Other Contingencies

Employees are required to be at work whenever the Office is open. When weather conditions or other emergencies make it unsafe to travel to and from work, the Office will generally be closed. This policy goes into effect only when the Office of Personnel Management (“OPM”) has determined that federal government offices are completely closed due to inclement weather, or when the Member or Chief of Staff has determined that the Office will be

closed. In such circumstances, paid administrative leave will be granted to those employees.

Employees may determine when OPM has made a closure determination by checking “Operating Status” on the OPM website at <http://www.opm.gov/policy-data-oversight/snow-dismissal-procedures/current-status/>

However, if OPM has determined that federal government offices are closed, ***but the House is in session***, employees are expected to report to work unless they hear otherwise from the Chief of Staff or the Member. Employees should keep informed of the Office’s operating status by checking email or otherwise staying in contact with the Office.

## **Time and Attendance Records**

Time and attendance records will be kept for each employee. The Office Manager/Scheduler (both in DC and the District Office) is responsible for maintaining proper records for all categories of leave and ensuring that time and attendance are recorded and reported properly by the employees.

## **Overtime and Time-off Plan for Non-Exempt Employees**

The Office complies with the overtime pay provisions of the Fair Labor Standards Act (FLSA) as required by the Congressional Accountability Act.

The basic workweek will consist of 40 working hours for non-exempt employees. The workweek for the Office begins 12:01 a.m. Monday and ends at 12:01 a.m. Saturday. Absent special arrangements or circumstances, all full-time non-exempt employees are expected to work 40 hours per workweek. In addition, non-exempt employees may be asked to work overtime or to be available for duty other than during normal work hours.

**NOTE: This policy and the overtime pay requirements apply only to non-exempt employees. As noted earlier, exempt employees are required to work whatever hours are needed to complete their tasks and are not entitled to overtime pay.**

Non-exempt employees may not work over 40 hours in a workweek without explicit approval of appropriate management personnel. In any case, an overtime preauthorization request form must be completed *prior to* working overtime. Failure to secure permission from the Chief of Staff prior to working overtime may not be paid and may result in disciplinary action, up to and including termination.

Non-exempt employees will be compensated for all hours worked in excess of 40 hours in a workweek, either in overtime pay at the conclusion of the pay period or in time off during the same pay period. Overtime compensation is paid at the rate of one and one-half times the employee's hourly wage.

Time off may be granted on an hour-for-hour basis during the work week in which excess time was worked (so as to not exceed 40 hours during the work week), or at the rate of one and one-half times the amount of overtime worked during a subsequent work week in the same pay period. Time off or compensation for overtime worked may not transfer from one pay period to the next. Therefore, at the end of a pay period, an employee has worked overtime in excess of any time off taken, he or she will be compensated for the excess at a time and one-half rate.

Holidays, annual leave and sick leave are not counted as hours worked for the purpose of calculating overtime compensation. Non-exempt employees must also complete an individual weekly time record and send it to the Office Manager/Scheduler at the end of each workweek.

### **Conflicts of Interest/Ethics in Government Act**

All employees of the Office must strictly comply with the provisions of the Ethics in Government Act, and other applicable House Rules regarding outside income, gifts, and personal financial disclosure, if required. Moreover, it is the responsibility of the employee to become familiar with the requirements of House Ethics rules as well as the requirements of House Rule XXIII, found here:

<http://www.rules.house.gov/singlepages.aspx?NewsID=159&rsbd=165>.

Failure to comply may be grounds for dismissal.

The Committee on Standards of Official Conduct has prepared forms for financial disclosure, together with a detailed explanation of requirements of the Ethics in Government Act. Questions regarding financial disclosure may be directed to the Committee on Standards of Official Conduct at extension 5-7103.

Employees of the Office are not to engage in conduct that constitutes a conflict of interest or a potential conflict of interest. In general, a "conflict of interest" is any situation in which an employee's conduct of his or her job conflicts with his or her private economic affairs. In addition, page 186-187 of the House Ethics Manual extends the definition to situations and circumstances which pose a "risk of impairment of impartial judgment."

Generally, acceptance of gifts, other than from family and close personal friends, is prohibited by House Rule XXV. Therefore, you must contact the

Chief of Staff regarding any offers of gifts, money, or other benefits offered by a lobbyist or anyone that has dealings with the Office.

Contact the Committee on Standards of Official Conduct if you have even the slightest concern that particular conduct, including the acceptance of any gift, might constitute a conflict of interest or a violation of House Rules or Federal law.

Employees should err on the side of caution when confronted with a potential conflict of interest and discuss the matter with Chief of Staff or the Committee on Standards of Official Conduct.

## **Outside Employment**

Employees of the Office may not secure employment outside the House that conflicts with the performance of their official duties. Further, House employees who engage in private employment may not do so to the neglect of their Congressional duties, on “official time” for which a salary is received from the United States Treasury, or if the employment is gained through the improper use of their official positions. It is the responsibility of each employee to notify the Office of all outside employment.

In addition, certain employees face limitations on outside employment and earned income under House Rule XXV. All employees assume full responsibility for complying with House Rules and federal law. Contact the Committee on Standards of Official Conduct at x5-7103 if you have any questions about outside employment.

Upon separation from employment with the Office, certain employees are prohibited from lobbying certain Members of Congress or their staff for a period of at least one year. For more information contact the Committee on Standards of Official Conduct at x5-7103.

## **Political Activities**

Employees of the Office may engage in campaign work only on their own time.

Official House property, equipment and resources may not be used for campaign activities. Campaign contributions may not be solicited on, or for delivery to, House property.

The 2/28/96 Congressional Research Service (CRS) publication *Campaign Activities by Congressional Employees*, provides a good summary of regulations that govern the participation of House employees in campaigns



and campaign fund-raising. The publication can be found here: <http://edit-sablan.house.gov/sites/sablan.house.gov/files/assets/CRS%20Report-Campaign%20Activities%20by%20Congressional%20Employees.pdf>

## **Official Travel**

Employees may from time to time be required to travel between the District offices and the Washington office or between District offices for the performance of official duties.

Travel costs will be borne by the congressional office, including costs of travel by public conveyance from the employee's home to the destination duty station and back, costs of lodging and food while at the destination duty station, costs of transportation for official purposes while at the destination duty station, and any costs related to maintaining communication, such as temporary Wi-Fi charges, paid out-of-pocket by the traveler.

The congressional office will ordinarily pay directly for airfare, lodging, and car rental (if any) costs and will reimburse the employee for expenses they may actually incur. Actual costs of travel that exceed the per diem rates set by the General Service Administration for travel to Washington, DC (see <http://www.gsa.gov/portal/content/104877>) and by the Department of Defense for travel to the Northern Mariana Islands (see <http://www.defensetravel.dod.mil/site/perdiemCalc.cfm>) will not be reimbursable without the prior approval of the Congressman, District Director, or Chief of Staff.

Air transportation will generally be by coach-class. Exceptions may include when no coach-class is available, when other than coach-class is necessary to accommodate a medical disability or other special need, or when the scheduled flight time, including stopovers and change of planes, is in excess of 14 hours, and the employee is required to report to work on the day following arrival or sooner. Any such exception must be authorized on a trip-by-trip basis.

For coach-class travel in excess of 14 hours a rest stop may be authorized, not to exceed 24 hours. Reimbursable costs of lodging, food, and transportation at the rest stop shall not exceed the GSA or DOD per diem rate for the location multiplied by the number of hours at rest divided by 24. For instance, the DOD rate for Narita, Japan in 2016 is \$256 dollars. Costs for an 18 hour layover should not exceed \$256 x 18/24, or \$192.

Any promotional benefits, such as frequent flyer miles, received from an airline, hotel, car rental company, or other travel service provider in connection with official travel may be retained for personal use, if such items are obtained under the same conditions as those offered to the general public and at no additional cost to the Congressional office. Employees may upgrade to other than coach-class

accommodations at their personal expense, including through redemption of frequent flyer benefits.

### **Domestic/Foreign Gifts and Travel**

Rules of the House and the Foreign Gifts and Decorations Act govern your conduct relating to travel to foreign countries and the acceptance of gifts or hospitality from foreign nationals or governments. Staff members are required to consult with the Committee on Standards of Official Conduct at x5-7103 regarding those laws and rules, and to notify the Member, before accepting an invitation to travel to foreign countries on House business or accepting gifts from foreign nationals or governments.

### **Reimbursement for Official Expenses**

No employee may incur official expenses without the prior approval of the Member. Requests for reimbursement for official expenses shall be on vouchers provided by the House Finance Office. Only requests for reimbursement submitted in accordance with the Regulations of the Committee on House Administration as reflected in the Members' Congressional Handbook will be processed for payment. Reimbursements will be paid through direct deposit.

### **The Frank**

The "frank" is the term applied to the use of the signature of a Member of Congress on mail *in lieu of* postage.

All staff of the Office should review the publication Regulations on the Use of the Congressional Frank, published by the Commission on Congressional Mailing Standards (Franking Commission), before sending any mail for the Office.

The frank is to be used only for official business. Under no circumstances should the frank or other official resources be used for an employee's personal mail. This rule applies to "inside mail" as well.

The frank cannot be used on mail to foreign countries (other than via APO or FPO boxes). Letters or documents to foreign officials should be sent in care of the country's consulate in the United States. If that is not possible, weigh the letter/document and obtain the proper amount of postage from the Office Manager/Scheduler.

For more information on franked mail, see Official Mail Expenses in the *Members' Congressional Handbook* as well as the House Ethics Manual's discussion of the topic.

Questions regarding use of the frank, and requests for advisory opinions on the frankability of mail, should be submitted to the Commission on Congressional Mailing Standards (Franking Commission), 1216 Longworth HOB, x5-9337.

## **Mass Mailings**

The Office is required by House Rule XXIV and 2 U.S.C. § 59e(f) to seek an advisory opinion as to whether proposed mass mailings are in compliance with all applicable laws, rules and regulations, from the Commission on Congressional Mailing Standards (Franking Commission).

A mass mailing is generally defined as any mailing of 500 items or more of substantially identical content within any session of Congress.

Compliance with these requirements is extremely important because the Office is responsible for complying with all applicable provisions of Federal law, House Rules, and Regulations of the Commission on Congressional Mailing Standards and the Committee on House Administration.

## **Drug and Alcohol Abuse**

The Office strictly prohibits the unlawful manufacture, sale, distribution, dispensation, possession, or use of controlled substances in the workplace or while on paid time. This policy also strictly prohibits all employees from being under the influence of drugs (see discussion below for prohibited drug use) or alcohol while on paid time or while on workplace premises.

Prohibited drug use includes any and all controlled substances except those taken pursuant to a prescription. It also includes the medically unauthorized taking of any prescription drug as well as the use of prescription medications illegally obtained or used in a manner inconsistent with the direction of the prescribing physician. Finally, prohibited drug use includes the abuse of over-the-counter medications used in a manner inconsistent with its intended purpose so as to affect the performance of the employee.

## **Non-Discrimination**

The Office complies with all provisions of the Americans with Disabilities Act ("ADA"). No employee or applicant for employment who is currently drug-free will be denied employment or otherwise discriminated against solely

because of the individual's prior abuse of drugs, prior treatment for drug abuse, or status as an alcoholic or a recovering drug addict. However, the ADA does not protect employees who are current users of illegal drugs nor does it protect employees who violate the Office alcohol abuse policy, as described above.

### **Voluntary Treatment and Counseling**

The Office encourages all employees who need assistance in dealing with alcohol or drug dependency problems to seek counseling through the various private and public agencies and programs that exist in their communities. Employees may also seek assistance by contacting the Office of Employee Assistance, x5-2400. Requests for voluntary treatment and related matters will be kept as confidential as possible, and, in accordance with the law, the Office will reasonably accommodate an employee's attempt to address dependency problems. Employees may not, however, escape discipline by requesting treatment or leave only after having been notified of disciplinary action for violating the Office's Drug and Alcohol Abuse Policy.

### **Fitness for Duty**

Employees are responsible for notifying the Chief of Staff of any conditions, including but not limited to the taking of medically authorized prescription drugs, that may impair the employee's ability to perform his or her job in a safe or effective manner. The Office will attempt to ensure that the disclosure and substance of such information is kept confidential and that it will be disclosed only to individuals with a legitimate need to know. No employee will be discriminated or retaliated against as a result of his or her disclosure of such information. The disclosure is required only to ensure safety in the Office and to protect the employee against any inaccurate assumptions that might otherwise be made about the employee's performance.

### **Discipline for Violation**

Employees who violate this Drug and Alcohol Abuse Policy may be disciplined, up to and including immediate termination.

### **Smoking**

To provide a safe and healthy working environment for all employees, smoking is prohibited in the Office. Employees who violate this policy may be subject to disciplinary action up to and including termination. All employees share responsibility for maintaining a smoke-free workplace.

Employees interested in attending a smoking cessation program should contact the Office of Employee Assistance at (202) 225-2400.

## **Recycling**

The Office cooperates fully with the House of Representatives Recycling program. Labeled recycling bins are located throughout the D.C. office. Please take note of the locations of these bins and make every effort to recycle materials accordingly.

## **Use of Official Stationery**

Use of official stationery of the Office by staff members is strictly limited to correspondence relating to the official capacity or responsibilities of the Member. Use of official stationery for personal business or matters unrelated to the Office is strictly prohibited and subjects such users to appropriate discipline up to and including termination. For guidance on this issue, please refer to the House Ethics Manual and/or call the Committee on Standards of Official Conduct at x5-7103.

## **Safety and Security**

It is the policy of the Office to maintain safe working conditions for its employees. Accordingly, all employees are expected to abide by applicable safety and security rules and regulations within House facilities. Failure to observe general safety procedures, neglect of the safety of others, or the commission of unsafe acts is unacceptable.

Visitors who are uninvited and unwanted in the D.C. office, in circumstances where an employee of the Office is unable to speak freely, can be removed from the Office by calling the U.S. Capitol Police at x4-5151 and stating "the books are ready to be picked up in Room 423." District office staff should contact police at 911.

Bomb threats should be reported immediately to 911. A Bomb Threat Checklist is available from the House Sergeant-at-Arms at x5-2456. District office staff should police at 911.

Threats to the physical safety of a Member or employee of the Office should be reported to the House Sergeant-at-Arms at x5-2456.

If you are injured while at work, you must report the injury immediately to the Office Manager/Scheduler. You must complete a notice of injury report (Form CA-1), which is available from the Office of Payroll and Benefits, B215 Longworth HOB, x5-1435.

All employees are issued identification cards that allow access to the House office buildings. You must immediately report lost or stolen I.D. cards and keys to the Sergeant-at-Arms Office of Identification Services, 321 Cannon HOB, x5-3820, and a new I.D. card will be issued to you. Because an I.D. card is House property, it must be returned upon termination of employment.

Loaning or sharing of I.D. cards and office keys is a serious safety breach. Employees who engage in such behavior may be subject to discipline, up to and including termination.

The nature of employment on the Hill is such that it may require you to work late hours. In the event that an employee is in a position in which he or she is going to be walking to his or her car or the Metro station alone, the employee is encouraged to contact the Capitol Police for escort. The number for Escort Assistance is x4-5151.

## **Office Property**

All employees play an important role in the political process, and enjoy a relationship of trust and confidence with the Member. Inherent in this relationship is the expectation that employees understand the need to protect sensitive and confidential information, and work at all times for the good of the Member and his constituents.

To assist the Member in performing his duties most effectively and efficiently, it is imperative that the Office have immediate access to all Office files and other property. For example, in an employee's absence, the Office may need to enter and search an employee's work area to retrieve work-related materials. The Office also must retain its ability to locate missing property promptly and to investigate suspicious activities in the Office. Therefore, the Office reserves the right to inspect and search all areas and property in the Office at any time, for these reasons, or any others within its discretion, without notice or consent.

All inspections and searches must be preauthorized by the Chief of Staff. Inspections, searches and investigations can include, without limitation, the examination of physical files, computer files, e-mail, voice mail, file cabinets, desks, work stations, closets, storage areas, manuals, equipment, and all other Office property and areas. The Office also reserves the right to search packages and other containers within the Office to investigate suspicious activities.

Employees should leave valuable items at home. The Office cannot be responsible for the loss, theft or damage of any property brought into the Office. Additionally, employees should report any suspicious activity they observe in the Office to the Capitol Police. As a condition of continued employment, the Office expects each

employee to assist with the Office's efforts to maintain the confidentiality of Office activities, and to provide for employee and Office security.

For the reasons described above, employees should not harbor any expectation of privacy in the equipment that is provided to them by the Office.

## **Emergencies**

Your personnel file contains the name and telephone contact of the "emergency contact" you designated at the beginning of your employment. Should your "emergency contact" person change, please notify the Office Manager/Scheduler immediately to update your personnel file.

It is the duty of the employee to inform the Office of any changes of information concerning persons to contact in case of an emergency.

If a medical emergency occurs during working hours or on the premises, you should immediately contact the Capitol Police at 911 or the Attending Physician's Office at x5-5421. The Physician's Office is open 9:00 a.m. to 5:00 p.m., or until adjournment, Monday through Friday. In the case of a minor injury or illness, go immediately to one of the First Aid Offices, which are in the following locations and are open 9:00 a.m. to 5:00 p.m., Monday through Friday:

H-166	The Capitol	X5-5421
110	Cannon HOB	X5-3470
1204	Longworth HOB	X5-2500
B344	Rayburn HOB	X5-7131
H2-145	Ford HOB	X5-2442

## **Computer Use**

Certain employees of the Office are assigned personal computers for use in the conduct of their official duties. Specific guidelines and instructions regarding the use of the Office's computers will be provided by the Office Manager/Scheduler to each employee that is assigned a computer.

Under certain circumstances, it may be necessary to access the employee's computer to recover documents. Therefore, the Office reserves the right of access to any computer or file on the Office's computer system. Accordingly, employees should not harbor any expectation of privacy in documents created on the equipment provided to them by the Office.

Computer viruses can be transmitted via software or data files, and have the potential of stopping all work on the Office's computer system. Therefore, employees who are assigned computers must scan all computer disks for viruses, especially if a diskette has been used outside of the Office. Contact the Office's IT contractor, HouseCall IT, if you have any questions or need assistance regarding software.

Employees of the Office may not make unauthorized copies of any software licensed to the House or to the Office and remove it from the Office. Employees are also prohibited from using unlicensed software anywhere on the Office's computer system.

No software can be loaded onto any computer or the system without direct authorization from the Chief of Staff. This is to ensure that only legal copies of software are running on the system and to protect the computer system from viruses.

Employees who access House computer systems remotely are responsible for maintaining the security and integrity of such systems. Passwords and other means of access must be safeguarded, and each employee is responsible for notifying the Office's IT contractor, HouseCall IT, of any breach, or potential breach, of security or integrity of such systems.

Employees are prohibited from moving computers, printers, or other computer equipment within the Office without first obtaining approval from the Chief of Staff.

Employees are responsible for compliance with all regulations of the Committee on House Administration.

## **Electronic Mail**

Electronic Mail ("e-mail") is provided as a communications tool to all employees of the Office and should be used with the same rules of professional behavior that apply to the telephone. E-Mail may not be used to commit an unlawful act, to harass or annoy another employee, or to advertise or promote outside business or other non-office related activities.

Employees should not read the e-mail of others. Occasionally, an employee may be assigned to review the e-mail messages of another employee for legitimate purposes. However, an employee must have approval from the Chief of Staff prior to reviewing the e-mail files of another employee.

It is possible that other employees or third-parties may inadvertently view your e-mail messages. Because there is no guarantee of absolute privacy with



e-mail, it is imperative that all employees use good judgment when using the e-mail system.

Management expressly reserves the right to review the e-mail files of any employee, with or without notice, for any reason within its discretion, including but not limited to investigating wrongdoing or security breaches, monitoring compliance, or obtaining work product.

## **Internet Use**

Internet access is a privilege and not a right of employment. Incidental personal use of Office resources to access the Internet is permissible only to the extent that such use is negligible in nature, frequency, time consumed, and otherwise conforms with the regulations of the Committee on House Administration and the Code of Official Conduct (House Rule XXIII). Employees should harbor no expectation of privacy with the use of their computers, including the Internet websites they access, browse or download.

The following guidelines are intended to provide some direction in the use of the Internet.

- This list is not exhaustive and employees should request guidance from the Chief of Staff if there is any doubt as to whether a particular use of the Internet violates the policy of the Office.
- Employees are strictly prohibited from using Office equipment for any form of communication or use of the Internet that would discriminate against or harass individuals based on such individuals' race, color, religion, sex, age, military status, disability, or national origin.
- Use of the internet shall be in a manner that represents the Office and/or the House of Representatives creditably;
- Use shall not be for personal profit or gain;
- Use shall not be in a manner to, intentionally or otherwise, cause damage, disruption, or malfunction of Office or House systems or networks;
- Use shall not be to intentionally access or attempt to access information on Office or House systems in an unauthorized manner;
- Use shall not be inconsistent with the mission of the Office; and

- Use shall be in a manner consistent with all applicable laws, rules and regulations.

Employees should always err on the side of caution when accessing websites that are not related to their official job duties. Employees who violate this policy may be disciplined, up to and including termination.

## **Media Relations**

Only the Chief of Staff is authorized to communicate with members of the press without direct clearance from the Member. Staff members receiving requests or contacts from the media regarding any issue related to their employment should report them to the Chief of Staff immediately.

## **Open Door Policy**

The Office recognizes that open communication between employees and management is an essential element of a productive work environment. To that end the Office has adopted an Open Door Policy. The Open Door Policy has been established to enable employees to seek resolution of job-related issues. It is intended to create a process whereby employees can raise any questions or concerns with the assurance that these issues will be addressed promptly and effectively.

Employees are encouraged to discuss job-related concerns or questions with the Chief of Staff. If an employee fails to get satisfaction from the Chief, the employee may discuss the issue with the Member.

Retaliation is prohibited against any employee because he/she uses the Open Door Policy, as well as participants in any investigation prompted by any such complaint or inquiry.

## **Confidentiality**

During your employment with the Office, you will be exposed to certain information of a sensitive or confidential nature. It is critical that confidentiality be maintained by all employees who work for the Office, that no disclosure of confidential information be made to anyone except as required in the performance of work, and that no use be made of confidential information for personal gain or advantage, or for the harm of others either during or after your employment with the Office.

Examples of sensitive or confidential information may include information designated as classified or secret by the government, matters involving the personal or professional lives of Office employees or the Member, internal legislative or

political strategy, personal information regarding constituents, and internal operations of the Office, among others.

Employees of the Office have access to confidential and sensitive information and, as a result, have a fiduciary duty to the Office and the U.S. House of Representatives to hold in confidence such information in accordance with the Code of Ethics in Government Service found in the House Ethics Manual. Under that section, employees are precluded from using information coming to them confidentially in the performance of their governmental duties as a means for making private profit. Accordingly, it is the Office policy that all employees shall not publish any article, book, transcript, or other written piece or grant an interview or act as an advisor on any such publication.

Strict observance of this policy by all employees is of great importance to the effective operation of the Office. Violations of this policy may result in discipline, up to and including immediate termination.

If you discover a violation of this policy, you have the responsibility to notify the Chief of Staff or the Member.

### **Anti-harassment and Anti-discrimination**

As an equal opportunity employer, the Office of Congressman Gregorio Kilili Camacho Sablan is firmly committed to providing a work environment free from discrimination, harassment or intimidation on the basis of race, sex, age, religion, disability, color, national origin, military status, or any other basis prohibited by law. This commitment applies to all hiring, discharge, promotion, pay benefits, reassignments and other personnel actions affecting the terms, conditions, and privileges of employment. This commitment extends to making reasonable accommodations that enable qualified disabled individuals to perform the essential functions of their jobs.

All employees will be treated, and are to treat each other, fairly and with respect.

Employees will not be subjected to, and will not subject each other to discrimination or harassment of any kind.

The Office will not tolerate any of the following actions:

- making any employment decision or taking any employment action that is based on race, sex, age, religion, disability, color, national origin, military status or any other basis prohibited by the Congressional Accountability Act;

- acting in a way that may create a hostile, offensive, intimidating or demeaning environment on the basis of an employee's race, sex, age, religion, disability, color, national origin, military status, or any other basis prohibited by the Congressional Accountability Act.

### **Definition of Sexual Harassment**

There are two basic forms of sexual harassment.

Prohibited "quid pro quo" sexual harassment may occur when a management staff makes unwelcome sexual advances, requests sexual favors, or engages in other verbal or physical conduct of a sexual nature, if the implication is that submission to such conduct is expected as part of the job. It would also be unlawful for a supervisor or manager to make employment decisions affecting the individual on the basis of whether the individual submits to or rejects sexual conduct.

Prohibited "hostile work environment" sexual harassment may occur when unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. This may include, for example, displaying sexually suggestive material in the workplace, unwelcome flirtation or advances, requests for sexual favors, or any other offensive words or actions of a sexual nature.

### **Other Prohibited Forms of Harassment**

In addition to the sexual harassment discussed above, harassment on the basis of race, color, sex, disability, religion, age, military status or national origin can constitute unlawful employment discrimination. Insults, jokes, slurs, or other verbal or physical conduct or activity relating to race, color, sex, religion, age, disability, military status or national origin are unlawful if they create an intimidating, hostile, or offensive work environment; or if they unreasonably interfere with an individual's work performance.

### **Employee's Responsibility**

Personal behavior and language that are "acceptable" to one individual may be "offensive" to another. All employees must recognize that the focus of this prohibition is on the effect of one's action, not the intent. Even an employee who believes he or she is "just kidding around" or "didn't mean any harm" may act in ways that have the effect of intimidating or demeaning another employee, and thereby violating this policy.

## **Procedures**

It is the intention of the Office to stop harassment before it rises to the level of a violation of law. As part of this effort, any employee who believes that he/she has been subjected to or has witnessed actions that violate this policy should promptly make a report to the Office management in order for management to immediately investigate and take corrective action where appropriate. The employee should not wait until the actions become severe or pervasive but should report such activity immediately. The employee may advise a management official with whom the employee feels comfortable discussing such issues. The Office will protect the confidentiality of harassment allegations to the extent possible. The conduct of an effective investigation requires sharing information with those who have a “need to know.” Any documents created or obtained concerning the harassment investigation will be treated with the same degree of confidentiality. Anyone who, in good faith, brings such a matter forward is assured that he or she will not suffer any retaliation, discrimination, harassment, or reprisal for having done so.

The Office strictly prohibits retaliation against anyone who reports an incident in violation of the anti-harassment/anti-discrimination policy or anyone who participates or aids in an investigation of a complaint.

Any employee who violates any aspect of this policy, including the prohibition against retaliation, will face appropriate discipline, up to and including termination.

## **Performance Reviews**

The Office may periodically review with the employee his/her job performance and discuss his/her job interests and career goals. The Office does this to bring to the employee’s attention both areas in which he/she is performing well and those that need improvement. Performance evaluations can also influence decisions regarding pay increases.

Some of the factors the Office considers in its evaluation of employees include:

- quality of work;
- job skills;
- dependability;
- attendance and punctuality;
- ability to work cooperatively with colleagues and constituents;
- knowledge of work;
- willingness to assume responsibility;
- willingness to accept direction;
- ability to give direction where applicable;
- adherence to Office policies; and
- improvement since the last review.

The Office will provide each employee the opportunity to comment on the evaluation. Employees should understand that an evaluation does not alter the employee's at-will relationship or create a contract with the Office as described elsewhere in this Handbook.

## **Personal Appearance**

Employees should dress, groom, and maintain personal hygiene in a manner which enhances the professional and public relations of the Office, as well as the safety and productivity of all staff members. This includes wearing neat, clean, business attire which is neither distracting nor offensive to visitors, constituents, or co-workers. Management reserves the right to judge when an employee fails to meet this standard and to instruct the employee to cure the deficiency. Violation of this policy may lead to disciplinary action, up to and including termination of employment.

## **Employee Conduct and Discipline**

To ensure that all employees are working in a safe, productive and harmonious environment and that the Office is able to operate at optimum efficiency, certain general standards of personal conduct and job performance have been established.

Your actions are a direct reflection on the Member, the Office and the House of Representatives. Actions that reflect poorly on the Member, the Office or the House of Representatives are grounds for disciplinary action, up to and including termination.

Standards of job performance are determined by the employee's position. Standards of personal conduct, however, are uniform throughout the Office. Employees are expected to be courteous and respectful, and to conduct themselves at all times in a manner which shall reflect creditably on the House of Representatives.

## **Discipline**

While it is anticipated that most problems will be resolved through the cooperation of employees, there are times when inappropriate conduct or inadequate performance may result in disciplinary action. While this office does not employ mandatory progressive discipline, appropriate disciplinary action may, at the Office's sole discretion, include probation, counseling, suspension (with or without a pay reduction), demotion, or other actions, up to and including termination. It is within management's sole discretion to determine appropriate measures based upon the circumstances of each individual disciplinary matter.

## **Insubordination**

Employees are expected to follow directions given by a person in authority. Failure to perform or unreasonably delaying the performance of instructions given by a person in authority is unacceptable and may result in disciplinary action, up to and including termination of employment.

## **Misconduct**

The following actions are unacceptable and may result in appropriate disciplinary action. The misconduct identified below is merely illustrative, is not intended to be a complete list of misconduct, is not intended to be listed in order of severity of the conduct, and does not alter the Office's at-will employment policy:

1. Misrepresenting or withholding information on an employment application or House records, including time cards, injury reports, leave reports, personnel documents, etc.
2. Removing House property, records, or documents without proper authorization.
3. Releasing sensitive or confidential information without proper authorization; allowing access to such information by unauthorized personnel; or using such information or property for personal reasons.
4. Unauthorized possession, willful destruction or abuse of House property or the property of any individual on the premises.
5. Entering a restricted area or allowing another person to enter a restricted area without proper authorization.
6. Excessive absenteeism or tardiness without proper authorization.
7. Unexcused absences from work.
8. Use of abusive, threatening or obscene language; use of language that adversely affects morale, production, or maintenance of discipline.

9. Engaging in any type of harassment.
10. Performing personal or campaign business during working hours or using the frank, official stationery, or other official resources for personal benefit.
11. Violating the Office's alcohol and drug abuse policy.
12. Possessing dangerous weapons on the premises.
13. Illegal or disorderly conduct of any kind such as fighting, wrestling, roughhousing, or any other activity hazardous to life, limb or property.
14. Failure to abide by the leave policies of the Office.
15. Failure to follow House Rules and federal statutes concerning the acceptance of gifts, and the reporting of financial interest, employment or conflicts of interest.
16. Failure to observe general safety procedures, neglect of the safety of others, or the commission of unsafe acts.
17. Reviewing the mail, including e-mail, of another employee without appropriate authorization.
18. Failure to follow the Office's Computer and Internet policies.
19. Unauthorized communications with members of the press, written statements, personal appearances, testimony, articles or comments on any aspect of the employee's official responsibility as an employee of the Office or relating to matters of the House without direct clearance from the Chief of Staff.
20. Any other action that is deemed to be inconsistent with the standards and expectations of the Office or to show a disregard for the House's interests or the employee's duties and obligations to the House.

### **Termination of Employment**

The Office desires that your employment in the House be a rewarding and successful experience. However, it is conceivable that circumstances may



arise that will make it advisable for you to end your employment with the Office.

Should you decide to terminate your employment with the Office voluntarily, you are requested, but not required, to provide adequate notice. Adequate notice is customarily two weeks, and may be longer depending on your particular responsibilities. The request that you provide notice of your intent to resign is not intended to alter the fact that either you or the Office is entitled to terminate your employment relationship at any time without notice.

Each employee must return all House property, including his or her I.D. card and keys. Failure to do so may result in the withholding of your final paycheck. Employees who have group medical and life insurance will continue to receive coverage during the period in which the employee remains on the payroll as provided for by the individual employee's health or life insurance policies and applicable federal laws. Employees should contact the Office of Payroll and Benefits at x5-1435 with any questions regarding benefits.

## **References**

Upon termination certain employees are prohibited from lobbying certain Members of Congress or their staff for a period of at least one (1) year. For more information, contact the Committee on Standards of Official Conduct at x5-7103.

References for former or current employees of the Office are to be given only by the Chief of Staff or the Member and only in accordance with the Hatch Act Reform Amendments of 1993 and the laws and rules highlighted in the October 1, 1998 "Pink Sheet" created by the Committee on Standards. Employees should the Committee on Standards of Official Conduct at x5-7103 with any questions.

## **II. LEAVE POLICIES**

### **Holidays**

The Office will observe the following holidays IF the House is not in session:

New Year's Day  
Martin Luther King Jr.'s Birthday  
President's Day  
Memorial Day  
Independence Day  
Labor Day  
Columbus Day  
Veterans' Day  
Thanksgiving  
Day after Thanksgiving  
Christmas Eve or December 26th (if Christmas falls on a weekend)  
Christmas  
New Year's Eve or January 2nd (if New Year's Day falls on a weekend)

### **Leave Policy**

The leave policy of the Office is designed to provide benefits to employees, while maintaining enough flexibility to allow the Office to perform its functions.

#### **Annual Leave**

Annual leave is based upon the calendar year. Full-time employees of the Office accrue 15 days of annual leave each year.

There is no leave accrual for employment for only a fractional part of a month at either the beginning or the end of an employee's period of service. Leave accrual commences on the first day of the first full month of employment and ends on the last day of the last full month of employment.

Requests for annual leave must be made in advance in writing and must be approved by the Chief of Staff. Annual leave will not be granted when the House is in session and the employee is needed for legislative activities, or if no other person in the Office is available to perform the employee's duties in his or her absence.

No more than 5 annual leave days may be carried over from one calendar year to the next. Any balance beyond 5 days will be lost. Upon separation from employment, the Office will pay the employee a lump sum equal to the

number of days of unused annual leave, provided such a sum does not exceed the employee's monthly pay and/or 1/12th of the maximum rate of pay specified on the Speaker's Pay Order. Withholding will be at rates of 25% for Federal tax, state tax at the applicable rate, 6.2% for FICA (if applicable), and 1.45% for Medicare.

There are restrictions on dual federal employment which prevent most employees from remaining on the House payroll after reporting to another federal job. Contact the Committee on Standards of Official Conduct at x5-7103 if you have any questions regarding this issue.

If an employee has exhausted his/her annual leave balance, any request for leave will be for leave without pay. If an employee has taken more annual leave than he or she has earned, the Office will seek reimbursement from the employee, or may deduct the excess annual leave from the employee's subsequent paychecks in a manner that would not cause hardship to the employee, or from the employee's final paycheck.

### **Sick Leave**

The Office provides paid sick leave for all full-time employees, regardless of years of service, for periods of temporary absence due to illness or injury of the employee. Employees shall accrue 1 day of sick leave per pay period. Unused sick leave may be carried over from year to year without limitation. No payment will be made for unused sick leave upon termination of employment. Under both the Civil Service Retirement System and Federal Employee Retirement System, unused sick leave accrued as part of a qualified sick leave policy may be credited toward an employee's retirement.

The Office will not accept the transfer of an employee's accrued, unused sick leave from a prior federal employer.

Employees who are unable to report to work due to illness or injury must on a particular work day notify the Office Manager/Scheduler, or leave a message with the Office no later than 9:00 a.m. The Office must be contacted on each additional day of absence. Except in medical emergencies, employees who must leave work due to illness or injury must notify the Chief of Staff or the Office Manager/Scheduler prior to departure. Failure to follow these procedures may result in the treatment of the day as an unexcused absence, which may be subtracted from the employee's annual leave allotment, and/or can result in disciplinary action up to and including termination.

Sick leave may be used for scheduled medical and dental appointments. Appointments that keep an employee from the Office for more than 2 hours

but less than 4 hours are considered a half day of sick leave and appointments lasting more than 4 hour are considered a full day of sick leave.

An employee is entitled to use sick leave if health authorities or a health care provider determine that the employee's presence on the job would jeopardize the health of others because of exposure to a communicable disease.

Eligible employees who suffer from a serious health condition are entitled to leave under the Family and Medical Leave Act as discussed below.

### **Religious Holidays**

The Office seeks to accommodate reasonable requests for leave for religious observances. Employees may elect to take annual leave or unpaid leave (if the employee has exhausted his or her paid leave) for such purposes. The availability of such leave depends on the operational needs of the Office. Accordingly, employees should request such leave as far in advance as possible to allow for appropriate scheduling to be made by management.

### **Bereavement Leave**

Employees are entitled to up to 10 days of paid bereavement leave for the death of an immediate family member. An "immediate" family member includes an employee's parent, step-parent, spouse, child, stepchild, brother, stepbrother, sister, stepsister, grandchild, grandparent, mother-in-law, father-in-law, son-in-law or daughter-in-law. Personal leave for the death of friends or other relatives will be charged against annual leave. At the Office's discretion, additional bereavement leave for travel time and other extenuating circumstances may be granted.

### **Military Leave**

An employee who is a member of a National Guard or Armed Forces Reserves ("Reserves") unit accrues paid military leave at a rate of 15 business days per fiscal year for, among other purposes, active duty and inactive-duty training. Any compensation provided by the National Guard or Reserves may be retained by the employee. An employee who is a member of a Federal Emergency Task Force and is called to duty will be given paid leave for that purpose. To apply for the leave, the employee should submit appropriate documentation (*e.g.*, a copy of the orders) to the Office as far in advance as possible. Employees can carry over unused military leave up to 15 days per fiscal year (for a total not to exceed 30 days per fiscal year).

In addition to the fifteen (15) paid business days of leave an employee in the National Guard or Reserves accrues each fiscal year, an employee who performs

military service as defined by 5 U.S.C. 6323(b)(2)(A) (regarding the provision of military aid to enforce the law or support civil authorizes), or is called to active duty to support a contingency operation as defined under 10 U.S.C. 101(a)(13) receives an additional twenty-two (22) business days of paid leave per calendar year, offset by the employee's military salary. In other words, if an employee is called to active duty to support a contingency operation, the employee will receive the difference between his/her Office salary and the military salary for a period of twenty-two (22) business days (assuming the employee's Office salary is higher than his/her military salary). To facilitate processing and distributing the 22-day pay differential, the employee should provide the Office with information regarding his or her military pay prior to departure for military leave. Failure to provide such information may result in a delay in distributing the 22-day pay differential to the employee.

In addition, under 5 U.S.C. 5538, an employee in the National Guard or Reserves who is called to active duty in support of a contingency operation as defined under 10 U.S.C. 101(a)(13)(B) is entitled to up to five years of paid leave offset by the employee's military salary.

There are other situations in which an employee who is in the Reserve or National Guard may qualify for additional leave. The Office will provide leave consistent with qualifications and requirements of 5 U.S.C. § 6323, including extended leave for military reserve technicians and employees ordered to military service to support civil authorities.

Employees who require absences for military duty (including long-term absences for active duty) will be accorded all benefits and protections provided by law, including reemployment rights, health insurance protection, and the right to be free from discrimination and retaliation. Any employee who is required to take a leave of absence for military duty should notify the Office immediately. An employee shall be permitted, but not required, to use any unused accrued annual leave, upon request, during the period of military service.

**Reemployment rights.** An employee returning from active duty military status is entitled to be reinstated by the Office to the employee's previously held position, or to an equivalent position if: 1) the employee (or an appropriate officer in the uniformed services) gives advanced notice of military service when possible; 2) the cumulative length of the absence, and all previous absences from the position by reason of service in the uniformed services, does not exceed five years (certain types of military leave excluded); and 3) the employee returns to work or applies for reemployment in a timely manner after conclusion of service (timeliness depends on length of service – see below); and 4) the employee has not been separated from military service with a disqualifying discharge or under other than honorable conditions.

If an employee is eligible to be reemployed, the employee must be restored to the job and benefits the employee would have attained if he or she had not been absent due to military service or, in some cases, a comparable job. The Office need not reemploy an employee, however, if reemploying is unreasonable or impossible, or if an employee's pre-service employment was for a brief, nonrecurrent period with no expectation that it would continue.

**Notice requirements for intent to return to work.** The time and manner by which an employee must express his or her intent to return to work varies depending on the length of absence. For military service under 31 days, the employee must report to the Office no later than the first full work period on the first full calendar day after the completion of the leave, after travel time plus eight hours of rest (or as soon after the eight-hour period as possible if reporting within this time is impossible or unreasonable through no fault of the employee). For military service of more than 30 days but less than 180 days, the employee must notify the Office of his or her intent to return to work by submitting an application for reemployment not later than 14 days after completion of military service (or the "next first full calendar day" if submission within the 14 days is impossible or unreasonable through no fault of the employee). For military service of more than 180 days, the employee must notify the Office of his or her intent to return to work by submitting an application for reemployment not later than 90 days after the completion of military service.

**Health Insurance Protection.** Employees who leave their job to perform military service have the right to elect to continue existing employer-based health plan coverage for themselves and their dependents for up to 24 months while in the military. Depending on the length of his or her military service, an employee may be required to pay up to 102 percent of the full premium under the applicable health plan. An employee seeking medical benefits while on military leave should contact the Office of Payroll and Benefits for additional information regarding the cost of such coverage.

An employee electing not to continue coverage during their military service has the right to be reinstated in the employer-based health plan when he or she is reemployed, generally without any waiting periods or exclusions (*e.g.*, pre-existing condition exclusions) except for service-connected illnesses or injuries.

**Thrift Savings Plan Protection.** An employee who is reemployed after a period of military leave may make contributions to the Thrift Savings Plan equal to the contributions which would have been made over his or her military leave period reduced by any contributions actually made over this period. An employee interested in making catch up contributions to the Thrift Savings Plan after his or her reemployment should contact the Office of Payroll and Benefits for additional information.

**Non-discrimination and non-retaliation.** An individual who is a past or present

member of the uniformed service, has applied for membership in the uniformed service, or is obligated to serve in the uniformed service may not be denied initial employment, reemployment, retention in employment, promotion, or any benefit of employment because of this status. In addition, the Office may not retaliate against anyone assisting in the enforcement of these rights, including anyone who testifies or makes a statement in connection with a proceeding for the enforcement of these rights, even if that person has no service connection.

### **Jury and Witness Duty**

An employee who is summoned for jury or witness duty and must be absent from work will continue to receive full pay and will not be charged annual leave. Upon receipt of such summons, the employee must notify the Office immediately and must provide a copy of the summons or other written documentation requesting jury or witness duty.

Certain courts require only that a juror telephone the court each morning to determine whether the juror must report to court. Under such circumstances, when not needed by the court, the employee must report to work.

As provided by law (2 U.S.C. §§ 130b(d) and (e)), any fee paid to an employee for jury or witness duty shall be turned into the Office, and the entire amount will be remitted to the House Finance Office. Any reimbursement made to an employee for expenses incurred in rendering jury or witness service may be retained by the employee. Upon returning to work from jury duty, an employee shall provide the Office a certificate of attendance from the Clerk of the court or similar court official for each day of absence.

### **Leave Without Pay (LWOP)**

Requests for leave without pay other than unpaid FMLA may be granted at the discretion of the Chief of Staff.

As a basic condition for approval of LWOP, the Office should have a reasonable assurance that the employee will return to duty at the end of the approved period. LWOP status should be requested in advance of the period of absence. In no case may the period of LWOP status exceed twelve months in a twenty-four month period.

### **Furlough**

Furlough is an absence without pay initiated by the Office. Placement in a furlough status is at the discretion of the Office, unless placement in such leave status is otherwise required by law.

## Family and Medical Leave (FMLA)

### **I. Basic 12-Week FMLA Leave Entitlement**

Under the applicable provisions of the FMLA, any person who has worked for any Congressional office for at least one year and for a total of at least 1,250 hours during the previous 12-month period is entitled to up to a total of **12 weeks** of unpaid, job-protected leave during a 12-month period for the following reasons:

- A. because of the birth of the employee's son or daughter, and for the employee to care for and bond with his or her newborn child during the child's first year (*"Type A" FMLA leave*)<sup>1</sup>;
- B. because of the placement of a son or daughter with the employee for adoption or foster care, and for the employee to care for and bond with his or her child during the first year after adoption or placement (*"Type B" FMLA leave*);
- C. to care for the employee's spouse, son or daughter,<sup>2</sup> or parent<sup>3</sup> who has a serious health condition (*"Type C" FMLA leave*);
- D. because of the employee's own serious health condition which makes the employee unable to perform the functions of his or her job (*"Type D" FMLA leave*); or
- E. because of any qualifying exigency arising out of the fact that the employee's spouse, son<sup>4</sup> or daughter, or parent is on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces (*"Type E" FMLA leave*).

The term "serious health condition" for Types C and D leave means an illness, injury, impairment, or a physical or mental condition that involves inpatient care in

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<sup>1</sup> The designations of leave as Type A, Type B, etc., are used in this policy for ease of reference.

<sup>2</sup> "Son or daughter" means a child, who is either under age 18, or age 18 or older and incapable of self-care because of a mental or physical disability, whether that child is a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis. Persons who are in loco parentis include those with day-to-day responsibilities to care for and financially support a child.

<sup>3</sup> "Parent" means a biological parent or an individual who stands or stood in loco parentis to an employee when the employee was under the age of 18. This term does not include parents "in law."

<sup>4</sup> "Son or daughter on covered active duty or call to covered active duty status" means the employee's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the employee stood in loco parentis, who is on covered active duty or call to covered active duty status, and who is of any age. to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of serious health condition as defined in applicable regulations issued by the Office of Compliance.



a hospital, hospice, or residential medical facility; or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents a qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of serious health condition as defined in applicable regulations issued by the Office of Compliance.

The term "qualifying exigencies" for purposes of Type E FMLA leave may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

The term "covered active duty" means: (A) in the case of a member of a regular component of the Armed Forces, duty during deployment of the member with the Armed Forces to a foreign country; and (B) in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a "contingency operation" as defined under 10 U.S.C. § 101(a)(13)(B).

The right to take leave under the FMLA applies equally to male and female employees. Thus, for example, a father, as well as a mother, can take Type A and/or Type B FMLA leave for the birth, placement for adoption, foster care, and/or for bonding with a child.

## **II. 26-Week Injured Servicemember Caregiver FMLA Leave Entitlement**

The FMLA also includes a special leave entitlement that permits eligible employees to take up to **26 weeks** of FMLA leave to care for a covered service member during a single 12-month period. This leave is available to an eligible employee who is the spouse, son or daughter,<sup>5</sup> parent,<sup>6</sup> or next of kin<sup>7</sup> of a covered service member. A covered service member is:

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<sup>5</sup> "Son or daughter of a covered service member" is a covered service member's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered service member stood in loco parentis, and who is of any age.

<sup>6</sup> "Parent of a covered service member" means a covered service member's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered service member. This term does not include parents "in law."

1) a current member of the Armed Forces, including a member of the National Guard or Reserves who has a serious injury or illness that was incurred in the line of duty on active duty (or aggravated in the line of duty on active duty) and that may render the service member medically unfit to perform his or her duties for which the service member is:

- (a) undergoing medical treatment, recuperation, or therapy;
- (b) is in outpatient status; or
- (c) is on the temporary disability retired list; or

2) a veteran who is undergoing medical treatment, recuperation or therapy, for a serious injury or illness (incurred in the line of duty on active duty or aggravated by service in the line of duty on active duty) and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment recuperation or therapy.

### **III. Circumstances When FMLA Leave Is Paid**

Generally, FMLA leave is unpaid.

Employees on FMLA leave are required to substitute any accrued paid leave as follows:

1. The employee is required to substitute his or her accrued annual leave when FMLA leave is taken for any reason.
2. In addition, when FMLA is taken for the employee's own serious health condition (Type D leave), the employee is required to substitute any accrued sick leave for FMLA leave.
3. In addition, when FMLA leave is taken to care for an ill family member (Type C leave) or to care for an injured or ill service member (injured service member

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<sup>7</sup> "Next of kin" of a covered service member means the nearest blood relative other than the covered service member's spouse, parent, son, or daughter, in the following order of priority: Blood relatives who have been granted legal custody of the covered service member by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered service member has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the covered service member, all such family members shall be considered the covered service member's next of kin and may take FMLA leave to provide care to the covered service member, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered service member's only next of kin.

caregiver leave), the employee is required to substitute any accrued sick leave for FMLA leave.

When an employee substitutes annual and/or sick leave for FMLA leave, that time will count toward the employee's FMLA entitlement. In other words, the use of substituted paid leave will run concurrently with the employee's use of unpaid FMLA leave.

#### **IV. Calculating the FMLA Leave Year**

When basic FMLA leave (i.e., Type A, B, C, D and/or E leave) is taken, the 12-month period during which an employee is entitled to up to 12 weeks of FMLA leave is calculated on a rolling 12-month basis measured backward from the date the employee first uses FMLA leave.

For purposes of injured service member caregiver leave, the single 12-month period begins on the first day the eligible employee takes FMLA leave to care for a covered service member and ends 12 months after that date. Please consult with the Chief of Staff for guidance on how leave is calculated when an employee takes injured service member caregiver leave and also takes Type A, B, C, D and/or E leave during the same time frame.

#### **V. Notice and Designation of Leave As FMLA Leave**

If an employee's need for FMLA leave is foreseeable, an employee must generally provide at least 30 days notice (written or verbal), or otherwise as much advance notice as practicable. If an employee fails to give 30 days notice, with no reasonable excuse, the Office may delay the taking of FMLA leave. An employee need not provide 30 days advance notice of the need for qualifying exigency leave (Type E leave) if such advance notice is not reasonable and practicable.

For leave requested for the care of a family member with a serious health condition or leave for the employee's own serious health condition (Type C and D leave), or leave to care for an injured service member, the employee shall make a reasonable effort, after consulting with the Chief of Staff to schedule leave so as not to unduly disrupt office operations (subject to approval of the appropriate health care provider).

Any employee who takes FMLA leave for any reason must submit a written request for leave, even if the request is submitted after the leave has commenced. Such written notice must be submitted to the Chief of Staff and shall include the dates and the type of leave requested (i.e., whether the leave is Type A, B, C, D, E and/or injured service member caregiver leave).

Whenever an eligible employee is absent from work for a reason that is FMLA-qualifying, the Office will count the absence as leave under the FMLA. Furthermore, FMLA leave will be designated as such retroactively upon an employee's return to work where the employee does not inform the Office in advance of the reason for the leave and/or the Office discovers upon the employee's return that the reason for the leave falls under the FMLA.

## **VI. Intermittent or Reduced Schedule Leave**

FMLA leave is often taken in large blocks of time such as when an employee is entirely absent from the Office and no work is performed (e.g., three weeks at home recuperating from illness or injury). In certain cases, however, an employee may not need FMLA leave for such extended periods, but rather may need FMLA leave intermittently (for example, a few hours every other week to see a doctor for treatment regarding a chronic condition) or on a reduced schedule (e.g., to work a half-time schedule for two weeks until the employee fully recovers from his or her serious health condition). Under the FMLA:

1. Qualifying exigency leave (Type E leave) may be taken on an intermittent or reduced schedule basis.
2. Leave to care for a seriously ill family member (Type C leave), leave taken for the employee's own serious health condition, (Type D leave) or leave to care for an injured service member, may be taken intermittently or on a reduced schedule basis, so long as such intermittent or reduced schedule leave is medically necessary as certified by the appropriate health care provider.
3. Leave may be taken intermittently or on a reduced leave schedule because of the birth, adoption or placement of a child, or to bond with a newborn or a newly adopted or newly placed foster child (Type A and B leave), only with the approval of the Office. If the birth mother is incapacitated due to pregnancy, or if the newborn or newly-placed child has a serious health condition, such leave (Type C or D leave) may be taken on an intermittent or on a reduced schedule basis if accompanied by appropriate medical certification.
4. When leave is taken intermittently or on a reduced leave schedule and such leave is foreseeable based on planned medical treatment, the Office may require that the employee transfer to an alternative position which has equivalent pay and benefits, and which better accommodates recurring periods of leave.

## **VII. Certification of Need for FMLA Leave; Fitness for Duty**

When an employee takes FMLA leave for his or her own illness (Type D leave) or to care for a family member (Type C leave), the employee must provide a medical certification from the health care provider that the leave is due to the serious health

condition of the employee or the employee's spouse, parent, or child. The employee must have the health care provider complete the form. The completed certification form should be returned to the Office within 15 days, where possible. The Office may also require appropriate certification, as permitted by law, for qualifying exigency leave (Type E leave) and injured service member caregiver leave.

When certification of a serious health condition is requested in connection with Type C or Type D FMLA leave, the Office may also require and pay for an opinion by a second health care provider designated by the Office. If there is a conflict between the first and second certifications, the Office may require and pay for a third opinion by a health care provider jointly approved by the Office and the employee. The opinion of the third health care provider is final and binding.

The Office may also require that an employee present a "fitness for duty" certification upon return to work when the absence is caused by the employee's own serious health condition (Type D leave). The Office may seek such certification only with respect to the particular serious health condition that was the reason for the employee's request for FMLA leave. The employee is responsible for the cost of the "fitness for duty" certification. The Chief of Staff will notify the employee whether a "fitness for duty" certification is required as soon as possible after the employee notifies the Office of the reason for FMLA leave. The Office may delay or refuse to restore an employee to duty if the Office has requested and the employee has failed to provide the appropriate "fitness for duty" certification.

#### **VIII. Periodic Reports**

The Office may require periodic reports from an employee on leave regarding his or her status and intention to return to work.

#### **IX. Continuation of Benefits**

While on FMLA leave, whether paid or unpaid, employees will continue to be enrolled in their health insurance plans. As long as the employee remains enrolled in his or her health plan, the U.S. House of Representatives will continue to pay the Government contribution. The employee is responsible for payment of the employee share and should contact the Office of Payroll and Benefits (ext. 5-1435) to arrange for monthly payments. Under federal regulations, an employee whose enrollment continues for a period of time without payment is deemed to have consented to recovery of an indebtedness for past-due health benefits premiums from future salary, or from any other moneys owed to the employee by the Federal Government.

#### **X. Reinstatement from Leave**

Upon return to work after taking FMLA leave, an employee generally will be entitled to be restored to the same position or an equivalent position to that which the

employee occupied before taking FMLA leave. If an employee is unable to perform the essential functions of his or her job because of a mental or physical condition, the employee has no right to restoration to his or her previous position or another position under the FMLA.

If an employee is on Type A, B, C, D and/or E leave in excess of 12 weeks within a 12-month period, the employee will not be guaranteed reinstatement. As noted above, the FMLA contains a special provision providing for up to 26 weeks of protected leave during a 12-month period when an eligible employee takes leave to care for an injured service member.

If an employee gives unequivocal notice of intent not to return to work, the obligations to maintain health benefits under the FMLA and to restore the employee cease.

#### **XI. Key Employees**

Key employees are employees who are salaried and among the highest paid 10% of all employees employed by the employing office within 75 miles of the employee's worksite. The Office may deny reinstatement upon return from FMLA leave to "key" employees if reinstatement would cause substantial and grievous economic harm to the Office. The Office must provide written notification to "key" employees of their status upon a request for FMLA leave.

#### **XII. Employment of Spouses**

Spouses employed by the same employing office may be limited to a combined total of 12 weeks during a 12-month period of FMLA leave when the leave is taken for the following purposes: (1) the birth and/or to care of a newborn child; (2) the placement of a child for adoption or foster care; or (3) the care of a parent who has a serious health condition.

Spouses employed by the same employing office may be limited to a combined total of 26 weeks of leave during a single 12-month period for injured service member caregiver leave.

#### **XIII. Performance and Merit Reviews**

Performance reviews may be delayed for a period equal to the length of the FMLA leave.

#### **XIV. Misrepresentation**

Any employee who misrepresents the reasons for requesting FMLA leave may be subject to disciplinary action, up to and including termination.

**XV. Intimidation and Retaliation Prohibited**

An employer may not use the taking of approved FMLA leave as a negative factor in employment decisions such as promotions or disciplinary actions. Retaliation of any kind is prohibited.

APPROVED BY:



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GREGORIO KILILI CAMACHO SABLÁN  
Member of Congress  
Employer



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DATE